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Hearing date/time: October 13, 2016 at 10:00a.m.
Objection deadline: October 3, 2016 at 4:00p.m.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:) Case No.: 12-12020 (MG)
)
RESIDENTIAL CAPITAL, LLC, et al.) Chapter 11
)
Debtors.) Jointly Administered
)
)

**CREDITOR BARRY MACK'S OBJECTION TO MOTION OF RECAP BORROWER
CLAIMS TRUST FOR ORDER AUTHORIZING INTERIM DISTRIBUTION AND
ESTABLISHING DISPUTED CLAIMS RESERVE**

COMES NOW Creditor, BARRY MACK, by and through the undersigned counsel, and objects to the Motion of ResCap Borrower Claims Trust for Order Authorizing Interim Distribution and Establishing Disputed Claims Reserve, and as grounds therefor would state as follows:

1. The Motion provides for such a distribution that would make no provision for payment of the Mack claim were it to be successful on appeal to the Second Circuit, which appeal has not been disposed and is currently awaiting an oral argument date.
2. The Proof of Claim filed by Creditor, BARRY MACK, is for \$32,850,000, \$30 million of which is for punitive damages, which award would be highly unlikely under any possible remand. Therefore, a reserve allowing for a possible remand and damages of \$2,850,000 would not only be sufficient to cover the claims of Creditor, BARRY MACK, but would impose a minimal burden on ResCap Borrower Claims Trust and the bankruptcy estate.

WHEREFORE, Claimant, BARRY MACK, prays that the Motion be denied, that reserves of \$2,850,000 be ordered over and above that provided for in the Motion, and such other relief as this court deems just and proper.

DATED this 3rd day of October, 2016.

/s/ David F. Garber
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